

# HOUSE BILL No. 1194

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8.

**Synopsis:** Public safety officer layoff and reinstatement. Provides that the reinstatement rights of a laid off member of a city police or fire department, or a laid off member of a sheriff's department, terminates five years (instead of three years) after the day on which the member's layoff begins. Allows a member of the 1977 police officers' and firefighters' pension and disability fund (1977 fund) who is laid off (including a member who was laid off after May 31, 2008, and before July 1, 2010, if, before October 1, 2010, the member repays to the 1977 fund all refunded contributions) to remain a 1977 fund member entitled to receive certain disability or death benefits without the member or the department that laid off the member paying contributions. Provides that a member terminates membership in the 1977 fund on the earlier of: (1) the date the member's reinstatement rights terminate; or (2) five years after the date the member was laid off. Allows a member of the sheriff's department who is laid off (including a member who was laid off after May 31, 2008, and before July 1, 2010, if, before October 1, 2010, the member repays the net amount of the member's wages contributed to and returned by the pension trust) to remain an employee beneficiary of the department's pension trust and entitled to receive certain disability or death benefits without the member or the department that laid off the member paying contributions. Provides that a member terminates membership in the pension trust of the department that laid off the member on the earliest of: (1) the date the member is hired or rehired by another sheriff's department or law enforcement agency; (2) the date the member's reinstatement rights terminate; or (3) five years after the date the member was laid off.

**Effective:** July 1, 2010.

**Tyler**

January 7, 2010, read first time and referred to Committee on Labor and Employment.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## HOUSE BILL No. 1194

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A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-8-4-11 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11. (a) If it is necessary  
3 for the safety board to reduce the number of members of the police or  
4 fire department by layoff for financial reasons, the last member  
5 appointed must be the first to be laid off, with other members also laid  
6 off in reverse hiring order, until the desired level is achieved.  
7 (b) If the department is increased in number again, the members of  
8 the department who have been laid off under this section shall be  
9 reinstated before any new member is appointed to the department. The  
10 reinstatements begin with the last member laid off.  
11 (c) A member who is laid off shall keep the appointing authority  
12 advised of ~~his~~ **the member's** current address. A member shall be  
13 informed of ~~his~~ **the member's** reinstatement by written notice sent by  
14 certified mail to ~~his~~ **the member's** last known address. Within twenty  
15 (20) calendar days after notice of reinstatement is sent to a member, ~~he~~  
16 **the member** must advise the hiring body that ~~he~~ **the member** accepts  
17 reinstatement and will be able to commence employment on the date



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specified in the notice. All reinstatement rights granted to a member terminate upon ~~his~~ **the member's** failure to accept reinstatement within that twenty (20) day period or ~~three (3)~~ **five (5)** years after the day on which a member's layoff begins.

SECTION 2. IC 36-8-8-7, AS AMENDED BY P.L.1-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m) **or section 8.2 of this chapter:**

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the

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1 1977 fund and is not covered by this chapter if the police officer or  
2 firefighter:

- 3 (1) was hired before May 1, 1977;
- 4 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 5 of which were repealed September 1, 1981);
- 6 (3) was rehired after April 30, 1977, but before February 1, 1979;
- 7 and
- 8 (4) was made, before February 1, 1979, a member of a 1925,
- 9 1937, or 1953 fund.

10 (f) A police officer or firefighter does not become a member of the  
11 1977 fund and is not covered by this chapter if the police officer or  
12 firefighter:

- 13 (1) was hired by the police or fire department of a unit before May
- 14 1, 1977;
- 15 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
- 16 of which were repealed September 1, 1981);
- 17 (3) is rehired by the police or fire department of another unit after
- 18 December 31, 1981; and
- 19 (4) is made, by the fiscal body of the other unit after December
- 20 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
- 21 unit.

22 If the police officer or firefighter is made a member of a 1925, 1937, or  
23 1953 fund, the police officer or firefighter is entitled to receive credit  
24 for all the police officer's or firefighter's years of service, including  
25 years before January 1, 1982.

26 (g) As used in this subsection, "emergency medical services" and  
27 "emergency medical technician" have the meanings set forth in  
28 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- 29 (1) is employed by a unit that is participating in the 1977 fund;
- 30 (2) was employed as an emergency medical technician by a
- 31 political subdivision wholly or partially within the department's
- 32 jurisdiction;
- 33 (3) was a member of the public employees' retirement fund during
- 34 the employment described in subdivision (2); and
- 35 (4) ceased employment with the political subdivision and was
- 36 hired by the unit's fire department due to the reorganization of
- 37 emergency medical services within the department's jurisdiction;

38 shall participate in the 1977 fund. A firefighter who participates in the  
39 1977 fund under this subsection is subject to sections 18 and 21 of this  
40 chapter.

41 (h) A police officer or firefighter does not become a member of the  
42 1977 fund and is not covered by this chapter if the individual was

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1 appointed as:

2 (1) a fire chief under a waiver under IC 36-8-4-6(c); or  
 3 (2) a police chief under a waiver under IC 36-8-4-6.5(c);  
 4 unless the executive of the unit requests that the 1977 fund accept the  
 5 individual in the 1977 fund and the individual previously was a  
 6 member of the 1977 fund.

7 (i) A police matron hired or rehired after April 30, 1977, and before  
 8 July 1, 1996, who is a member of a police department in a second or  
 9 third class city on March 31, 1996, is a member of the 1977 fund.

10 (j) A park ranger who:

11 (1) completed at least the number of weeks of training at the  
 12 Indiana law enforcement academy or a comparable law  
 13 enforcement academy in another state that were required at the  
 14 time the park ranger attended the Indiana law enforcement  
 15 academy or the law enforcement academy in another state;  
 16 (2) graduated from the Indiana law enforcement academy or a  
 17 comparable law enforcement academy in another state; and  
 18 (3) is employed by the parks department of a city having a  
 19 population of more than one hundred twenty thousand (120,000)  
 20 but less than one hundred fifty thousand (150,000);

21 is a member of the fund.

22 (k) Notwithstanding any other provision of this chapter, a police  
 23 officer or firefighter:

24 (1) who is a member of the 1977 fund before a consolidation  
 25 under IC 36-3-1-5.1 or IC 36-3-1-6.1;  
 26 (2) whose employer is consolidated into the consolidated law  
 27 enforcement department or the fire department of a consolidated  
 28 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and  
 29 (3) who, after the consolidation, becomes an employee of the  
 30 consolidated law enforcement department or the consolidated fire  
 31 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

32 is a member of the 1977 fund without meeting the requirements under  
 33 sections 19 and 21 of this chapter.

34 (l) Notwithstanding any other provision of this chapter, if:

35 (1) before a consolidation under IC 8-22-3-11.6, a police officer  
 36 or firefighter provides law enforcement services or fire protection  
 37 services for an entity in a consolidated city;  
 38 (2) the provision of those services is consolidated into the law  
 39 enforcement department or fire department of a consolidated city;  
 40 and  
 41 (3) after the consolidation, the police officer or firefighter  
 42 becomes an employee of the consolidated law enforcement

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department or the consolidated fire department under IC 8-22-3-11.6; the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l) may not be:

- (1) retired for purposes of section 10 of this chapter; or
- (2) disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation.

SECTION 3. IC 36-8-8-8, AS AMENDED BY P.L.180-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 8. (a) Each fund member shall contribute during the period of the fund member's employment or for thirty-two (32) years, whichever is shorter, an amount equal to six percent (6%) of the salary of a first class patrolman or firefighter. However, the employer may pay all or a part of the contribution for the member. The amount of the contribution, other than contributions paid on behalf of a member, shall be deducted each pay period from each fund member's salary by the disbursing officer of the employer. The employer shall send to the PERF board each year on March 31, June 30, September 30, and December 31, for the calendar quarters ending on those dates, a certified list of fund members and a warrant issued by the employer for the total amount deducted for fund members' contributions.

(b) Except as provided in section 7.2 or 8.2 of this chapter, if a fund member ends the fund member's employment other than by death or disability before the fund member completes twenty (20) years of active service, the PERF board shall return to the fund member in a lump sum the fund member's contributions plus interest as determined by the PERF board. If the fund member returns to service, the fund member is entitled to credit for the years of service for which the fund member's contributions were refunded if the fund member repays the amount refunded to the fund member in either a lump sum or a series of payments determined by the PERF board.

SECTION 4. IC 36-8-8-8.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 8.2. (a) This section applies to a fund member who:**

- (1) after June 30, 2010, is laid off involuntarily by the member's department for financial reasons under IC 36-8-4-11 or another law; or**
- (2) after May 31, 2008, and before July 1, 2010:**
  - (A) was laid off involuntarily by the member's department for financial reasons under IC 36-8-4-11 or another law;**

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1 and

2 (B) received a refund of the fund member's contributions  
3 under section 8 of this chapter;

4 if the fund member, not later than October 1, 2010, repays the  
5 amount of the contributions refunded to the fund member  
6 either in a lump sum or a series of payments determined by  
7 the PERF board.

8 (b) The following apply to a fund member described in  
9 subsection (a) during the period of the fund member's layoff:

10 (1) The fund member shall remain a member of the 1977  
11 fund.

12 (2) The fund member is not required to make contributions to  
13 the 1977 fund under section 8 of this chapter during the  
14 period the fund member is laid off.

15 (3) The department that laid off the fund member is not  
16 required to make contributions for or on the fund member's  
17 behalf under section 6 or 8 of this chapter during the period  
18 the fund member is laid off.

19 (4) If the fund member suffers an impairment during the  
20 period the fund member is laid off, the fund member may:

21 (A) apply to the department that laid off the fund member  
22 for a determination as to whether the impairment is a  
23 covered impairment under sections 12.3 through 13.1 of  
24 this chapter; and

25 (B) if the fund member is determined to have a covered  
26 impairment under sections 12.3 through 13.1 of this  
27 chapter, receive a disability benefit under sections 13.3  
28 through 13.5 of this chapter.

29 (5) If the fund member dies during the period the fund  
30 member is laid off, the department that laid off the fund  
31 member shall pay:

32 (A) the death benefit as described in section 16 of this  
33 chapter; and

34 (B) if applicable, the survivor benefits as described in  
35 section 13.8 of this chapter.

36 (6) The fund member may be hired or rehired by the  
37 department that laid off the fund member or another  
38 department that participates in the 1977 fund even though the  
39 fund member is at least thirty-six (36) years of age, if the fund  
40 member passes the physical and mental requirements  
41 established under section 19 of this chapter and IC 36-8-3.2.

42 (7) The fund member ceases to be a member of the 1977 fund

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on the earlier of the following:

(A) The date the fund member's reinstatement rights terminate under IC 36-8-4-11 or another law (as IC 36-8-4-11 or another law read on the date the fund member's layoff began).

(B) The date five (5) years after the date on which the fund member's layoff began, if the fund member has not been hired or rehired in a position covered by the 1977 fund by:

- (i) the department that laid off the fund member; or
- (ii) another department that participates in the 1977 fund.

SECTION 5. IC 36-8-8-12, AS AMENDED BY P.L.34-2009, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 12. (a) Benefits paid under this section are subject to sections 2.5 and 2.6 of this chapter.

(b) If:

- (1) an active fund member; or
- (2) a laid off fund member during the period described in section 8.2 of this chapter;

has a covered impairment, as determined under sections 12.3 through 13.1 of this chapter, the member is entitled to receive the benefit prescribed by section 13.3 or 13.5 of this chapter. A member who has had a covered impairment and returns to active duty with the department shall not be treated as a new applicant seeking to become a member of the 1977 fund.

(c) If a retired fund member who has not yet reached the member's fifty-second birthday is found by the PERF board to be permanently or temporarily unable to perform all suitable work for which the member is or may be capable of becoming qualified, the member is entitled to receive during the disability the retirement benefit payments payable at fifty-two (52) years of age. During a reasonable period in which a fund member with a disability is becoming qualified for suitable work, the member may continue to receive disability benefit payments. However, benefits payable for disability under this subsection are reduced by amounts for which the fund member is eligible from:

- (1) a plan or policy of insurance providing benefits for loss of time because of disability;
- (2) a plan, fund, or other arrangement to which the fund member's employer has contributed or for which the fund member's employer has made payroll deductions, including a group life policy providing installment payments for disability, a group annuity contract, or a pension or retirement annuity plan other

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than the fund established by this chapter;

(3) the federal Social Security Act (42 U.S.C. 401 et seq.), the Railroad Retirement Act (45 U.S.C. 231 et seq.), the United States Department of Veterans Affairs, or another federal, state, local, or other governmental agency;

(4) worker's compensation payable under IC 22-3; and

(5) a salary or wage, including overtime and bonus pay and extra or additional remuneration of any kind, the fund member receives or is entitled to receive from the member's employer.

For the purposes of this subsection, a retired fund member is considered eligible for benefits from subdivisions (1) through (5) whether or not the member has made application for the benefits.

(d) Notwithstanding any other law, a plan, policy of insurance, fund, or other arrangement:

(1) delivered, issued for delivery, amended, or renewed after April 9, 1979; and

(2) described in subsection (c)(1) or (c)(2);

may not provide for a reduction or alteration of benefits as a result of benefits for which a fund member may be eligible from the 1977 fund under subsection (c).

(e) Time spent receiving disability benefits, not to exceed twenty (20) years, is considered active service for the purpose of determining retirement benefits. A fund member's retirement benefit shall be based on:

(1) the member's years of active service; plus

(2) if applicable, the period, not to exceed twenty (20) years, during which the member received disability benefits.

(f) A fund member who is receiving disability benefits:

(1) under section 13.3(d) of this chapter; or

(2) based on a determination under this chapter that the fund member has a Class 3 impairment;

shall be transferred from disability to regular retirement status when the member becomes fifty-five (55) years of age.

(g) A fund member who is receiving disability benefits:

(1) under section 13.3(c) of this chapter; or

(2) based on a determination under this chapter that the fund member has a Class 1 or Class 2 impairment;

is entitled to receive a disability benefit for the remainder of the fund member's life in the amount determined under the applicable sections of this chapter.

SECTION 6. IC 36-8-8-13.8, AS AMENDED BY P.L.1-2007, SECTION 242, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2010]: Sec. 13.8. (a) This section applies to an active, **laid off**, or retired member who dies other than in the line of duty (as defined in section 14.1 of this chapter) after August 31, 1982.

(b) If a fund member dies while receiving retirement or disability benefits, the following apply:

(1) Except as otherwise provided in this subsection, each of the member's surviving children is entitled to a monthly benefit equal to twenty percent (20%) of the fund member's monthly benefit:

(A) until the child becomes eighteen (18) years of age; or

(B) until the child becomes twenty-three (23) years of age if the child is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university;

whichever period is longer. However, if the board finds upon the submission of satisfactory proof that a child who is at least eighteen (18) years of age is mentally or physically incapacitated, is not a ward of the state, and is not receiving a benefit under clause (B), the child is entitled to receive an amount each month that is equal to the greater of thirty percent (30%) of the monthly pay of a first class patrolman or first class firefighter or fifty-five percent (55%) of the monthly benefit the deceased member was receiving or was entitled to receive on the date of the member's death as long as the mental or physical incapacity of the child continues. Benefits paid for a child shall be paid to the surviving parent as long as the child resides with and is supported by the surviving parent. If the surviving parent dies, the benefits shall be paid to the legal guardian of the child.

(2) The member's surviving spouse is entitled to a monthly benefit equal to sixty percent (60%) of the fund member's monthly benefit during the spouse's lifetime. If the spouse remarried before September 1, 1983, and benefits ceased on the date of remarriage, the benefits for the surviving spouse shall be reinstated on July 1, 1997, and continue during the life of the surviving spouse.

If a fund member dies while receiving retirement or disability benefits, there is no surviving eligible child or spouse, and there is proof satisfactory to the local board, subject to review in the manner specified in section 13.1(c) of this chapter, that the parent was wholly dependent on the fund member, the member's surviving parent is entitled, or both surviving parents if qualified are entitled jointly, to receive fifty percent (50%) of the fund member's monthly benefit during the parent's or parents' lifetime.

(c) Except as otherwise provided in this subsection, if a fund

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member dies while on active duty, **while laid off during the period described in section 8.2 of this chapter**, or while retired and not receiving benefits, the member's children and the member's spouse, or the member's parent or parents are entitled to receive a monthly benefit determined under subsection (b). If the fund member did not have at least twenty (20) years of service or was not at least fifty-two (52) years of age, the benefit is computed as if the member:

- (1) did have twenty (20) years of service; and
- (2) was fifty-two (52) years of age.

SECTION 7. IC 36-8-10-11.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 11.1. (a) As used in this section, "appointing authority" means the sheriff and the board.

(b) If it is necessary for the appointing authority to reduce the number of members of the department by layoff for financial reasons, the last member appointed to the department must be the first to be laid off. Additional members must be laid off in reverse hiring order until the desired level of employment is achieved.

(c) If department membership is increased, the members of the department who have been laid off under this section must be reinstated before any new member is appointed to the department. The last member to be laid off from the department must be the first to be reinstated. Additional members must be reinstated in reverse of the order in which the members were laid off.

(d) A member who is laid off shall keep the appointing authority advised of the member's current address. The appointing authority shall inform a member of the member's reinstatement by written notice sent by certified mail to the member's last known address.

(e) Not later than twenty (20) calendar days after the date notice of reinstatement is sent under subsection (d), the member must advise the appointing authority whether the member:

- (1) accepts reinstatement; and
- (2) will be able to commence employment on the date specified in the notice.

(f) All reinstatement rights granted to a member under this section terminate on the earlier of:

- (1) the date the member fails to accept reinstatement within the time specified in subsection (e); or
- (2) ~~three (3)~~ **five (5)** years after the date on which a member's layoff begins.

SECTION 8. IC 36-8-10-12.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: **Sec. 12.7. (a) This section applies to a**

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1 member who;

2 (1) after June 30, 2010, is laid off involuntarily by the  
3 member's department for financial reasons under  
4 IC 36-8-10-11.1 or another law; or

5 (2) after May 31, 2008, and before July 1, 2010:

6 (A) was laid off involuntarily by the member's department  
7 for financial reasons under IC 36-8-10-11.1 or another  
8 law; and

9 (B) received a payment under section 12(g) of this chapter;  
10 if the fund member, not later than October 1, 2010, repays the  
11 amount the member received under section 12(g) of this  
12 chapter either in a lump sum or a series of payments  
13 determined by the trustee.

14 (b) During the period of a layoff, the following apply to a  
15 member who is laid off:

16 (1) The member shall remain an employee beneficiary of the  
17 sheriff's pension trust established under section 12 of this  
18 chapter by the department that laid off the member.

19 (2) The member is not required to make contributions to the  
20 pension trust under section 12(c) and 12(d) of this chapter  
21 during the period the member is laid off.

22 (3) The department that laid off the member is not required  
23 to make contributions for or on the member's behalf under  
24 section 12(c), 12(e), or 17 of this chapter during the period the  
25 employee beneficiary is laid off.

26 (4) If the member suffers a disability during the period the  
27 member is laid off, the member may:

28 (A) apply to the department that laid off the member for a  
29 determination as to whether the disability is covered by the  
30 disability benefit program established under section 15 of  
31 this chapter; and

32 (B) if the member is determined to have a disability  
33 covered by the disability benefit program established  
34 under section 15 of this chapter, receive a disability benefit  
35 as if the member were an active member of the  
36 department.

37 (5) If the member dies during the period the member is laid  
38 off, the department that laid off the member shall pay the  
39 following as if the member were an active member of the  
40 department at the time of the member's death:

41 (A) The death benefit as described in section 14 of this  
42 chapter.

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- 1           **(B) If applicable, dependent pension benefits as described**  
 2           **in section 16 of this chapter.**  
 3           **(6) The member may be hired or rehired by the department**  
 4           **that laid off the member or another department even though**  
 5           **the member has reached or surpassed the maximum hiring**  
 6           **age at the time of the member's hire or rehire, if the member**  
 7           **passes the physical and mental requirements established by**  
 8           **the department that is hiring or rehiring the member. A**  
 9           **member that is hired or rehired under this subdivision**  
 10           **becomes or continues as an employee beneficiary of the**  
 11           **sheriff's pension trust established under section 12 of this**  
 12           **chapter by the department that hires or rehires the member,**  
 13           **even if the member is at least the maximum age specified by**  
 14           **the pension trust.**  
 15           **(7) The member ceases to be an employee beneficiary of the**  
 16           **pension trust of the department that laid off the member on**  
 17           **the earliest of the following:**  
 18           **(A) The date the member is hired or rehired by:**  
 19           **(i) another sheriff's department; or**  
 20           **(ii) a law enforcement agency other than a sheriff's**  
 21           **department.**  
 22           **(B) The date the member's reinstatement rights terminate**  
 23           **under IC 36-8-10-11.1 or another law (as IC 36-8-10-11.1**  
 24           **or another law read on the date the member's layoff**  
 25           **began).**  
 26           **(C) The date five (5) years after the date on which the**  
 27           **member's layoff began.**

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